

REMARKS

This application has been reviewed in light of the Office Action dated May 24, 2007. Claims 30-37 are presented for examination, of which Claims 30 and 34 are in independent form. Claims 30, 31, 34, and 35 have been amended to define Applicants' invention more clearly. Favorable reconsideration is requested.

The Office Action states that the title of the invention is not descriptive. The title has been amended to read as follows: -- DATA COMMUNICATION AND USER INPUT CONTROL SYSTEM, PRINTING SYSTEM AND DATA COMMUNICATION AND USER INPUT CONTROL APPARATUS --. Applicants respectfully submit that the title, as amended, is clearly indicative of the invention to which the claims are directed.

The Office Action requires that Applicants show that Claims 34-37 are in proper 35 U.S.C. § 112, 6th paragraph, form, and also identify the corresponding structure for each claim element recited in this format. Without commenting on the propriety of those requirements, Applicants submit that in view of the amendments to Claims 34 and 35, those requirements are moot.

Claim Interpretation

First, Applicants wish to address the claim interpretation given to Claims 30-37 as set forth at pages 3 and 4, with regard to the conjunction "if" when reciting steps in conjunction with a conditional step. While amendment to these claims makes this question moot, Applicants nevertheless wish to state for the record their disagreement with the reasoning in the Office Action. The Office Action argues that the broadest reasonable interpretation of a claim using a conditional phrase necessarily implies a lack of functionality if an alternative case

is not explicitly provided. Applicants disagree. The claim recitations indicate the conditions under which a claimed step is performed, i.e., the step is performed “if” a certain condition exists. Certainly the conditions under which a step is performed do not necessarily imply or suggest a lack of any functionality or the functionality hypothesized by the Examiner. Applicants submit that this conditional type of claim language is ubiquitous in U.S. patent practice. Accordingly, Applicants respectfully request that the Examiner consider all of the words in the claims in judging their patentability, as the patent law and rules require. See M.P.E.P. § 2143.03.

Claim Rejections

Claims 30 and 34 were rejected under 35 U.S.C. § 102 (a) and (b) as being anticipated by the article entitled “Olympus Digital Vision D-320L D-220L Digital Camera Instructions” (*Olympus*); Claims 30-32 and 34-36 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,827,347 (*Bell*); Claims 31, 32, 35, and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Olympus* in view of U.S. Patent No. 6,442,349 (*Saegusa*); and Claims 33 and 37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Olympus* and *Saegusa* as applied to Claims 30 and 34, and further in view of the article entitled “IEEE 1394: A Ubiquitous Bus” (*IEEE 1394*). Applicants submit that independent Claims 30 and 34, together with the claims dependent therefrom, are patentably distinct from the cited prior art for at least the following reasons.

The aspect of the present invention set forth in Claim 30 is a method of controlling a data communication apparatus. The method includes controlling the data communication apparatus to send image data selected by a user to a printer via a serial bus, the image data selected by the user being sent from the data communication apparatus in response to

entering a send instruction into the data communication apparatus. The method also includes controlling the data communication apparatus to start inhibiting, invalidating or ignoring a predetermined user instruction in response to entering the send instruction into the data communication apparatus. In addition the method includes controlling the data communication apparatus to stop inhibiting, invalidating or ignoring the predetermined user instruction in response to receiving notice from the printer that the image data selected by the user is printed. The method further includes controlling the data communication apparatus to stop inhibiting, invalidating or ignoring the predetermined user instruction in response to disconnecting the data communication apparatus from the serial bus.

Among other notable features of the method of Claim 30 are the steps of: (1) controlling the data communication apparatus to stop inhibiting, invalidating or ignoring the predetermined user instruction in response to receiving notice from the printer that the image data selected by the user is printed; and (2) controlling the data communication apparatus to stop inhibiting, invalidating or ignoring the predetermined user instruction in response to disconnecting the data communication apparatus from the serial bus.

Olympus relates to the user operation manual for the Olympus model D-320L and D-220L digital cameras. Apparently, these camera models may be used in conjunction with a printing device to print images from the camera. At the most, however, it appears to Applicants that *Olympus* discusses only the operation of the digital camera while connected to the printer.

Furthermore, *Bell* relates to a digital camera having a selection feature for proofing the images of each display frame to retain only those images desired by the photographer. Apparently, the digital camera can also be used in conjunction with a printing

device to print images from the camera. In view of Applicants' above remarks concerning the interpretation of Claims 30-37 and the amendments to the claims, Applicants submit that *Bell* does not disclose all elements of Claims 30.

Applicants submit, moreover, that neither *Olympus* nor *Bell* discloses both steps of (1) controlling the data communication apparatus to stop inhibiting, invalidating or ignoring the predetermined user instruction in response to receiving notice from the printer that the image data selected by the user is printed; and (2) controlling the data communication apparatus to stop inhibiting, invalidating or ignoring the predetermined user instruction in response to disconnecting the data communication apparatus from the serial bus, as set forth in Claim 30.

Accordingly, Claim 30 is believed to be patentable over *Olympus* and *Bell*, and respectfully request that the rejections under 35 U.S.C. § 102 be withdrawn.

Independent Claim 34 is an apparatus claim corresponding to method Claim 30, and is believed to be patentable for at least the same reasons as discussed above in connection with Claim 30.

A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the

invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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